

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Bonny J. Yahnke,)	CASE NO. 1:10 CV 1470
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
vs.)	
)	
Lodi City Police Officer Nixon, et al.)	<u>Memorandum of Opinion and Order</u>
)	
Defendant.)	

Introduction

This matter is before the Court upon Defendant Medina County Sheriff's Motion to Dismiss (Doc. 5). For the following reasons, the motion is UNOPPOSED and GRANTED.

Discussion

Plaintiff, Bonny J. Yahnke, filed this § 1983 Complaint against defendants, Lodi City Police Officer Nixon, The City of Lodi Police Department, The Seville Police Department, The Medina County Sheriff, and John Does 1-10. Plaintiff alleges that she suffered injuries following an investigatory traffic stop.

Defendant, The Medina County Sheriff, moves to dismiss on the ground that, as an administrative unit of a local government it is not *sui juris* and, therefore, cannot be sued.

Plaintiff has not opposed the motion. For the following reasons, the Court finds that dismissal of this defendant is proper.

A county sheriff's office is not a legal entity capable of being sued for purposes of § 1983. *Petty v. County of Franklin, Ohio*, 478 F.3d 341 (6th Cir. 2007); *Brett v. Wallace*, 107 F.Supp.2d 949 (S.D.Ohio 2000) (“[T]he Sheriff’s Office is not a proper legal entity and, therefore, is not subject to suit or liability under 42 U.S.C. § 1983.”); *Rhodes v. McDannel*, 945 F.2d 117 (6th Cir. 1991) (“The Sheriff’s Department is not a legal entity subject to suit.”); *Elkins v. Summit County, Ohio*, 2008 WL 622038 (N.D.Ohio March 5, 2008) (In an action for a § 1983 violation and related state law violations, the court recognized that administrative units of a local government, such as a municipal police department, are not *sui juris* because they cannot be sued absent positive statutory authority and Ohio does not have such a law.)

The Complaint names this defendant as The Medina County Sheriff and identifies it as “a municipal corporation and the public employer of Defendants John Does 1-10.” (Compl. ¶ 11) Clearly, plaintiff has named the sheriff’s office or department as a defendant. Since this entity is not subject to suit, dismissal is proper.

Because the Court finds dismissal warranted on this ground, the Court need not address defendant’s alternative arguments for dismissal.

Conclusion

For the foregoing reasons, Defendant Medina County Sheriff’s Motion to Dismiss is granted.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 8/27/10